

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

DAVID EUGENE BAILEY,

Plaintiff,

vs.

JOHN DOE #1,

Defendant.

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Case No. 4:11CV01323 TCM

**MEMORANDUM AND ORDER**

This matter is before the Court on plaintiff's motion to proceed in forma pauperis [Doc. #2]. Plaintiff, a prisoner, has filed at least three previous cases that were dismissed as frivolous, malicious, or for failure to state a claim.<sup>1</sup> Under 28 U.S.C. § 1915(g), therefore, the Court may not grant the motion unless plaintiff "is under imminent danger of serious physical injury."

After reviewing the complaint, the Court finds no allegations that would show that plaintiff is in imminent danger of serious physical injury. As a result, the Court will deny the motion and will dismiss this action without prejudice to refiling as a fully-paid complaint.

Accordingly,

**IT IS HEREBY ORDERED** that plaintiff's motion to proceed in forma pauperis [Doc. #2] is **DENIED**.

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<sup>1</sup>See Bailey v. Reeves, 1:08-CV-0147-LMB (E.D. Mo.); Bailey v. Rice, 1:11-CV-0097-LMB (E.D. Mo.); and Bailey v. CMS, 4:10-CV-2093-FRB (E.D. Mo.).

**IT IS FURTHER ORDERED** that this action is **DISMISSED**, without prejudice,  
pursuant to 28 U.S.C. § 1915(g).

An Order of Dismissal shall accompany this Memorandum and Order.

So Ordered this 3rd day of August, 2011.

A handwritten signature in black ink, appearing to read "E. Richard Webber", written in a cursive style.

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E. RICHARD WEBBER  
SENIOR UNITED STATES DISTRICT JUDGE